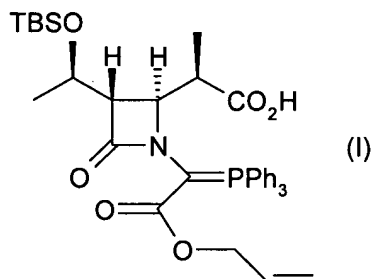


## AMENDMENTS TO THE CLAIMS

1. (Currently Amended) A crystal of a solvate of a compound of formula (I) ~~or its salt or their solvate:~~



wherein TBS represents t-butyldimethylsilyl and Ph represents phenyl and the solvate is a hydrate, an alcoholate, an etherate or a solvate with an ester solvent.

2. (Currently Amended) The crystal according to claim 1, which is a crystal of ~~[[a]]~~ an alkyl acetate solvate of the compound of formula (I).
3. (Original) The crystal according to claim 1, which is a crystal of an ethyl acetate solvate of the compound of formula (I).
4. (Currently Amended) The crystal according to claim 1, comprising ~~which exhibits a~~ powder X ray diffraction pattern having peaks at ~~at least the following diffraction angles (2θ)~~ 10.2 ± 0.1, 11.7 ± 0.1, 17.0 ± 0.1 and 21.5 ± 0.1 degrees 2θ when measured using CuKα radiation.~~[[:]]~~

Diffraction angle (2θ) [°]

10.2 ± 0.1

11.7 ± 0.1

17.0 ± 0.1

21.5 ± 0.1.

5. (Currently Amended) The crystal according to claim 4, comprising which exhibits a powder X ray diffraction pattern having diffraction peaks at at least the following diffraction angles (2θ)  $10.2 \pm 0.1$ ,  $11.7 \pm 0.1$ ,  $11.9 \pm 0.1$ ,  $17.0 \pm 0.1$  and  $21.5 \pm 0.1$  degrees 2θ when measured using CuKα radiation.[[:]]:

Diffraction angle (2θ) [°]

~~$10.2 \pm 0.1$~~

~~$11.7 \pm 0.1$~~

~~$11.9 \pm 0.1$~~

~~$17.0 \pm 0.1$~~

~~$21.5 \pm 0.1$~~

6. (Original) The crystal according to claim 1, which can be obtained by precipitating a crystal from a solution of the compound of formula (I) dissolved in ethyl acetate.

7. (Original) The crystal according to claim 1, which is a crystal of a butyl acetate solvate of the compound of formula (I).

8. (Currently Amended) The crystal according to claim 1, comprising which exhibits a powder X ray diffraction pattern having diffraction peaks at at least the following diffraction angles (2θ)  $9.3 \pm 0.1$ ,  $12.5 \pm 0.2$ ,  $13.7 \pm 0.2$  and  $15.7 \pm 0.2$  degrees 2θ when measured using CuKα radiation.[[:]]

Diffraction angle (2θ) [°]

~~$9.3 \pm 0.1$~~

~~$12.5 \pm 0.2$~~

~~$13.7 \pm 0.2$~~

~~$15.7 \pm 0.2$~~

9. (Currently Amended) The crystal according to claim 8, comprising which exhibits a powder X ray diffraction pattern having diffraction peaks at at least the following diffraction angles (2 $\theta$ )  $8.0 \pm 0.1$ ,  $9.3 \pm 0.1$ ,  $9.8 \pm 0.2$ ,  $12.5 \pm 0.2$ ,  $13.7 \pm 0.2$  and  $15.7 \pm 0.2$  degrees 2 $\theta$  when measured using CuK $\alpha$  radiation.[[:]]

Diffraction angle (2 $\theta$ ) [°]

$8.0 \pm 0.1$

$9.3 \pm 0.1$

$9.8 \pm 0.2$

$12.5 \pm 0.2$

$13.7 \pm 0.2$

$15.7 \pm 0.2$

10. (Currently Amended) The crystal according to claim 1, comprising which exhibits a powder X ray diffraction pattern having diffraction peaks at at least the following diffraction angles (2 $\theta$ )  $5.7 \pm 0.1$ ,  $11.2 \pm 0.2$ ,  $13.9 \pm 0.2$  and  $14.5 \pm 0.2$  degrees 2 $\theta$  when measured using CuK $\alpha$  radiation.[[:]]

Diffraction angle (2 $\theta$ ) [°]

$5.7 \pm 0.1$

$11.2 \pm 0.2$

$13.9 \pm 0.2$

$14.5 \pm 0.2$

11. (Currently Amended) The crystal according to claim 10, comprising which exhibits a powder X ray diffraction pattern having diffraction peaks at at least the following diffraction angles (2 $\theta$ )  $5.7 \pm 0.1$ ,  $8.4 \pm 0.1$ ,  $10.3 \pm 0.1$ ,  $11.2 \pm 0.2$ ,  $13.9 \pm 0.2$  and  $14.5 \pm 0.2$  degrees 2 $\theta$  when measured using CuK $\alpha$  radiation.[[:]]

Diffraction angle (2θ) [°]

5.7 ± 0.1

8.4 ± 0.1

10.3 ± 0.1

11.2 ± 0.2

13.9 ± 0.2

14.5 ± 0.2

12. (Currently Amended) The crystal according to claim 1, ~~which be obtainable~~ obtained by precipitating a crystal from a solution of the compound of formula (I) dissolved in butyl acetate or a mixture of butyl acetate with a solvent for crystallization.

13. (Currently Amended) The crystal according to claim 12, wherein said solvent for crystallization is n-hexane or n-heptane.

14. (Currently Amended) The crystal according to claim 1, ~~which be obtainable~~ obtained by dissolving the compound of formula (I) in a solvent selected from the group consisting of water, methanol, ethanol, propanol, isopropyl alcohol, n-butanol, diethyl ether, methyl acetate, propyl acetate, butyl acetate, and a mixture of any one of said solvents with a solvent for crystallization, and precipitating a crystal from the solution.

15. (Original) A process for producing a crystal according to claim 1, said process comprising dissolving the compound of formula (I) in a solvent selected from the group consisting of water, methanol, ethanol, propanol, isopropyl alcohol, n-butanol, diethyl ether, methyl acetate, propyl acetate, butyl acetate, and a mixture of any one of said solvents with a solvent for crystallization, and precipitating a crystal from the solution.

16. (Original) The process according to claim 15, wherein said solution and a separately provided solvent for crystallization are subjected to the procedure by a vapor diffusion method to precipitate a crystal.

17. (Original) The process according to claim 16, wherein said procedure by the vapor diffusion method comprises allowing said solution and a separately provided solvent for crystallization to stand separately in respective hermetically sealable vessels in a volume ration of 1:1 to 1:20.

18. (Currently Amended) The process according to ~~any one of claims~~ claim 15, wherein said solvent for dissolving the compound of formula (I) is selected from the group consisting of ethyl acetate, butyl acetate, and a mixture of any one of said solvents with a solvent for crystallization.

19. (Currently Amended) The process according to ~~any one of claims~~ claim 15, wherein said solvent for crystallization is selected from the group consisting of n-pentane, n-hexane, n-heptane, cyclohexane, petroleum ether, diisopropyl ether, and diethyl ether.

20. (Currently Amended) The process according to claim 19, wherein said solvent for crystallization is n-hexane or n-heptane.

21. (Currently Amended) The process according to ~~any one of claims~~ claim 15, comprising ~~wherein said solvent is one prepared by~~ dissolving a non-crystalline solid compound of formula (I) ~~as the compound of formula (I) for dissolution in said solvent~~ in ethyl acetate or butyl acetate, ~~further~~ adding n-hexane or n-heptane, ~~and~~ cooling the mixture, and optionally isolating and ~~vacuum~~ drying the resultant solid matter.

22. (Canceled)